

#31843

RECEIVED MAY 10 1996

SETTLEMENT AGREEMENT

Settlement Agreement made this 1st day of May, 1996, by and between Hibiscus Cafe, Inc. (the Applicant), a District of Columbia corporation having its principal office at 3401 Water Street, N. W., Washington, D.C. 20007 and The Citizens Association of Georgetown ("CAG"), a District of Columbia not-for-profit corporation having its principal office at 3222 N Street, N.W., Washington, D.C. 20007.

WITNESSETH

WHEREAS, the Applicant owns and operates a restaurant known as Hibiscus Cafe (the "Establishment") and located at 3401 Water Street, N.W., Washington, D.C. 20007; and

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control Board (the "ABC Board") is the Applicant's Application Number 31843 (the "Application") for a substantial change of the Establishment's District of Columbia Class DR Alcoholic Beverage License to a Class CR Alcoholic Beverage License; and,

WHEREAS, CAG has protested the Application (Case No. 31843-96035P); and

WHEREAS, the parties desire to resolve the protest in the manner hereinafter provided;

NOW, THEREFORE, in consideration of the premises recited above and the covenants and promises set forth below, the parties agree as follows:

1. Effect of Proposed Change. The Applicant represents and warrants to CAG that the Applicant's intent in filing the Application is only to add select brands of liquor to its menu and not to effect any other change in the operation of the Establishment. The Applicant does not intend to: (i) increase its hours of operation, (ii) increase the size of the bar in the Establishment, (iii) change the nature of the food served in the Establishment, other than such changes as may be made in the ordinary course of business, or (iv) decrease the Establishment's identity as a restaurant complying with the food requirements applicable to Class DR and Class CR licensed establishments.

2. Conditions of License. The Applicant will adhere to the conditions of the license for the Establishment and it is understood that the provisions of this Settlement Agreement become a part of the conditions of the license.

3. Withdrawal of Protest. CAG hereby withdraws its protest of the Application and agrees to provide whatever further

evidence of said withdrawal may be required by the ABC Board.

4. Binding Effect. This Settlement Agreement shall be binding upon and enforceable against the successors and assigns of the Applicant.

IN WITNESS WHEREOF, the parties have executed this Settlement Agreement as of the day and year first above written.

HIBISCUS CAFE, INC.

By 

Jimmie Banks

THE CITIZENS ASSOCIATION  
OF GEORGETOWN

By 

Patrick H. Allen  
Chairman, ABC Committee

BEFORE  
THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:

Hibiscus Cafe, Inc.  
t/a Hibiscus Cafe  
Application for a Retailer's  
License Class "CR" - substan-  
tial change  
at premises  
3401 K Street, N.W.  
Washington, D.C.

Case No. 31843-96035P

Patrick Allen, Chair, ABC Committee, on behalf of the Citizens  
Association of Georgetown, Protestant

Jimmi R. Banks, President, on behalf of Applicant

BEFORE: BARBARA L. SMITH, ESQUIRE, Chairperson;  
DENNIS BASS, Member;  
JAMES C. JEFFERSON, Member  
JAMES L. O'DEA, III, ESQUIRE, Member  
MARY EVA CANDON, ESQUIRE, Member  
LAVERNE KING, Member  
DUANE WANG, Member

ORDER ON WITHDRAWN PROTEST

This matter, having been protested, came before the Board on May 1, 1996, in accordance with D.C. Code Section 25-115 (c)(5)(1995 Supp.), providing for remonstrants to be heard. Patrick Allen, Chair, ABC Committee, on behalf of the Citizens Association of Georgetown (hereinafter "CAG") filed a timely section 14 (b) protest by letter, dated April 8, 1996.

The official records of the Board reflect that parties have now reached an Agreement which has been reduced to writing, and has been properly executed and filed with the Board.<sup>1/</sup> Pursuant to the Agreement, the Protestant has agreed to withdraw his protest provided, however, that the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the Agreement.

<sup>1/</sup> See Agreement dated May 1, 1996.

Hibiscus Cafe, Inc.  
t/a Hibiscus Cafe  
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Accordingly, it is this 22nd day of May 1996,  
ORDERED that:

1. The section 14 (b) of Patrick Allen, Chair, ABC Committee, on behalf of CAG, be, and the same hereby, is **WITHDRAWN**;
2. The above-referenced Agreement between the parties be, and the same hereby, is **INCORPORATED** as part of this Order;
3. The application of Hibiscus Cafe, Inc. t/a Hibiscus Cafe for a retailer's license class CR - substantial change request at location 3401 K Street, N.W., be, and the same hereby is **GRANTED**; and,
4. Copies of this Order shall be sent to the Protestant and the Applicant.

DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD

Barbara L. Smith, Esquire  
Chair

Dennis Bass  
Dennis Bass  
Member

James C. Jefferson,  
Member

James L. O'Dea, III  
James L. O'Dea, III, Esquire  
Member

Mary Eva Candon, Esquire  
Member

Laverne King  
Laverne King  
Member

Duane Wang  
DUANE Wang  
Member